

## REMARKS

This Amendment is in response to the Final Office Action dated June 23, 2010. The Examiner has rejected claims 1-23. Claims 1, 10, 15, and 21 are amended. Claims 1-23 are pending. Reconsideration is respectfully requested in light of the following remarks.

### ***Claim Rejections under 35 U.S.C. § 112***

Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph. Claims 1, 10, 15, and 21 have been amended to recite “based upon the number of keyspaces between the keys.” Support for claim amendments can be found in the specification as filed. See, e.g., paragraph 0007 (“An embodiment of the present invention can detect the entry of information that is likely to be part of a fraudulent online transaction based upon the relative locations of the keystrokes used to enter the information”); paragraph 0008 (“The second keystroke can be assigned a value equal to the number of keyspaces between the first and second keystrokes” (emphasis added)). Withdrawal of this rejection is respectfully requested.

### ***Claim Rejections under 35 U.S.C. § 103***

Claims 1-3, 7, 8, 10, 11, 15, and 21 are rejected under 35 U.S.C. 102(b) over Kermani, U.S. Patent No. 6,895,514, in view of Young, U.S. Patent No. 4,805,222.

Claim 1 is directed to a method for determining the accuracy of keystroke entries of a string entered into a field by a keyboard. Claim 1 recites the step of assigning a score to succeeding keystrokes after  $k_1$  based upon the number of keyspaces between the keys corresponding to the keystroke and to another keystroke. Independent claims 10, 15, and 21 recite similar limitations. This element and/or others are missing from Kermani and Young.

Kermani fails to teach all claim elements. Kermani discloses a system that compares “the character sequence of the just entered password as well as the keystroke timing to one or more stored password models” (Kermani, col. 2, lines 43-45). Kermani does not disclose assigning a score to succeeding keystrokes after  $k_1$  based upon the number of keyspaces between the keys

corresponding to the keystroke and to another keystroke, as recited in claim 1. By contrast, Kermani focuses only on other factors, such as keystroke timing.

Young does not cure the deficiency of Kermani. Young discloses a system where a plurality of features is represented by a vector of  $n$  features that is a point in  $n$ -dimensional space. These vectors may be compared by measuring the Euclidean distance between the points in  $n$ -dimensional space (Young, col. 13, lines 28-42). Young does not disclose assigning a score to succeeding keystrokes after  $k_1$  based upon the number of keyspaces between the keys corresponding to the keystroke and to another keystroke, as recited in claim 1. The cited disclosure of Young makes no mention of the number of keyspaces between keys, and only describes measuring the Euclidean distance between points of *vectors* that *represent*  $n$  features in *n-dimensional space*.

Since independent claims 1, 10, 15 and 21 are patentable in view of Kermani and Young, the related dependent claims 2, 3, 7, 8, and 11, which recite additional limitations, are also patentable. Applicants respectfully request withdrawal of this rejection.

Claims 4-6, 9, 16, 17, 20, and 23 are rejected under U.S.C. § 103(a) as being unpatentable over Kermani, U.S. Patent No. 6,895,514 in view of Young, U.S. Patent No. 4,805,222, in view of Brown, U.S. Patent No. 5,557,686.

Brown is cited for disclosing a method to determine a similarity between samples (col. 5, lines 28-30). However, Brown does not compensate for the deficiency of Kermani and Young. Nothing in Brown teaches or suggests assigning a score to succeeding keystrokes after  $k_1$  based upon the number of keyspaces between the keys corresponding to the keystroke and to another keystroke. Instead, Brown discloses “[u]sing timing characteristics of the keystrokes of the collected samples based on key press times and key release times” (col. 2, lines 17-19).

Because independent claims 1, 10, 15, and 21 are patentable in view of Kermani, Young, and Brown, so are related dependent claims 4-6, 9, 16, 17, 20, and 23. Applicant respectfully requests withdrawal of this rejection.

Claims 12-14, 18, 19, and 22 are rejected under U.S.C. § 103(a) in view of Kermani, U.S. Patent No. 6,895,514 in view of Young, U.S. Patent No. 4,805,222 and in further view of Kroll, U.S. Patent No. 6,405,922.

Kroll is cited for disclosing that rejected signatures entered into an ATM are stored for later analysis (col. 4, lines 47-55). This reference in combination with Kermani and Young does not raise a *prima facie* case of obviousness. Kroll discloses generating a keyboard signature on an ATM, which may include *duration* of key depression, keyboard *timing*, and or *time vectors* (col. 2, lines 13-19; col. 3, line 49; col. 6 lines 40-42) (emphases added). Thus, the combination of Kermani, Young, and Kroll fails to disclose or even suggest assigning a score to succeeding keystrokes after  $k_1$  based upon the number of keyspaces between the keys corresponding to the keystroke and to another keystroke.

Accordingly, Applicant contends that related dependent claims 12-14, 18, 19, and 22 are allowable, and respectfully requests that this rejection be withdrawn.

**CONCLUSION**

In light of the remarks set forth above, Applicant believes that the present application is in form for allowance, and such action is respectfully requested. Should the Examiner have any question, the Examiner is encouraged to telephone the undersigned.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 31718-706.201).

Respectfully submitted,

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